

**BEFORE THE STATE ETHICS COMMISSION  
STATE OF GEORGIA**

IN THE MATTER OF:

LAURA SEARCY,

Respondent.

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Case Number: 2003-0018

**CLARIFICATION OF ORDER**

Following proper notice pursuant to the Administrative Procedure Act, the above-styled matter came before the State Ethics Commission on January 4, 2006. The hearing was held for the Commission to clarify, pursuant to O.C.G.A. § 21-5-6, whether the consent order in this case requires Respondent to repay only \$857.50 of the legal fees paid on her behalf by the Cobb County Board of Education regarding Case No. 2002-0019 or requires Respondent to repay an additional \$1,554.95 of legal fees paid on Respondent's behalf by the Cobb County Board of Education regarding Case No. 2002-0019. After consideration of the order in this matter, the Commission makes the following clarifications:

1.

The consent order at issue referred only to legal fees incurred for Case No. 2002-0019.

2.

At the time the consent order was entered into, the Commission was aware of only \$857.50 in legal fees paid by the Cobb County Board of Education on behalf of Respondent regarding Case No. 2002-0019.

3.

Shortly after the order was entered, Respondent repaid the Cobb County Board of Education \$857.50.

4.

In addition to the \$857.50 in legal fees for Case No. 2002-0019 that the Commission was aware of when the consent order was approved, the Cobb County Board of Education incurred at least an additional \$1,554.95 in legal fees in defending Respondent in Case No. 2002-0019. This amount was paid by the Cobb County Board of Education on Respondent's behalf and has not been repaid by Respondent.

5.

In the consent order, Respondent agreed to repay the Cobb County Board of Education "all funds previously paid out on [Respondent's] behalf as legal fees for representation" in Case No. 2002-0019. The only specific amount stated in the consent order referring to legal fees paid by the Cobb County Board of Education on behalf of Respondent regarding Case No. 2002-0019 was \$857.50. Once Respondent repaid the Cobb County Board of Education the \$857.50 amount, the Respondent fulfilled the requirements of the consent order.

6.

The Cobb County Board of Education has a policy in which it provides for the payment of legal fees for members of its board. Specifically, the policy states:

The school district will defend any and all suits at law or equity against Board members. . . . In conjunction with the foregoing, the school district will expend funds for court costs, attorneys' fees, witness fees and investigative fees in defending said suits and will pay, to the extent allowed by law, all judgments that it or Board members . . . are

determined to be legally obligated to pay because of their acts or omissions arising out of the good faith performance of duties or employment.

Cobb County Board of Education Policy Regarding Liability Insurance Program.

7.

Any amounts in excess of \$857.50 expended by the Cobb County Board of Education for legal fees incurred by Respondent in defending Case No. 2002-0019 are matters between the Cobb County Board of Education and Brock, Clay, Calhoun, Wilson & Rogers, P.C. that may be dealt with according to the school board policy. It was not the intent of the Commission to impose any obligation on Respondent to repay in excess of the \$857.50 amount and Respondent is not obligated to do so under the order of the Commission.

SO ORDERED, this 23<sup>rd</sup> day of February, 2006, *nunc pro tunc* to January 4, 2006.

STATE ETHICS COMMISSION

BY:

  
STEVE FARROW

Chairman

State Ethics Commission